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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,840	03/07/2002	William Gabriel Pagan	RSW920010228US1	9436
46320	7590	05/05/2005	EXAMINER	
CHRISTOPHER & WEISBERG, PA 200 E. LAS OLAS BLVD SUITE 2040 FT LAUDERDALE, FL 33301			ROSWELL, MICHAEL	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4h

**Office Action Summary**

Application No.

10/092,840

Applicant(s)

PAGAN, WILLIAM GABRIEL

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted prior art.

Regarding claims 1 and 7, in Applicant's Fig. 1 and on pages 2-3 of the disclosed specification, Applicant allows for a pull-down menu in an activated open document window with a listing of open document windows and corresponding interactive user interface elements (taught as the ability to select a window through the pull-down menu using point-and-click methods), and responsive to the activation of one of the interactive user interface elements, performing a pre-defined window manipulation operation upon an inactive open document window corresponding to the selected interactive user interface element (taught as the change of focus from the active window to the selected inactive window). Inherently, the software of the admitted prior art is stored and accessed through machine readable storage.

Regarding claims 2 and 8, the admitted prior art teaches generating a window manipulation event in response to the activation of an interactive user interface element (the change of focus after the selection of a window from the pull-down menu). Inherently, the window manipulation event is processed in a message handling routine associated with the activated open document window, and identifies the inactive open document window corresponding to the interactive user interface element, posts a window manipulation event to

the identified inactive open document window, and processes the posted window manipulation event in a message handling routine associated with the inactive open document window, allowing for the focus control change from the active window to the selected inactive window. Inherently, the software of the admitted prior art is stored and accessed through machine readable storage.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3-6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art and Beaudet et al (US Patent 5,491,795), hereinafter Beaudet.

Regarding claims 3 and 9, the admitted prior art has been shown to teach a pre-defined window manipulation operation for an inactive window selectable through a pull-down menu.

However, the admitted prior art fails to explicitly teach performing a window close operation, print window operation, and a file save operation through the pull-down window.

Beaudet teaches a window management system wherein a window list is presented to the user and through the manipulation of an interactive element allows for window management operations such as moving, sizing, restoring and closing of windows represented in the window list without changing the focus of the window. See Beaudet, col. 7, lines 17-49. Furthermore, while Beaudet does not explicitly teach the use of a print window or file save operation through the disclosed window management system, such operations are well-known window and file operations and would be obvious to include in the window management of Beaudet, such as in

the right-click menu of Microsoft Internet Explorer, that allows the user to print or save a displayed file. The Examiner takes OFFICIAL NOTICE of these teachings.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of the admitted prior art and Beaudet before him at the time the invention was made to modify the pre-defined window manipulation through pull-down menus of the admitted prior art with the interactive window list control system of Beaudet, along with the obvious print and save functions, in order to obtain a pull-down menu listing windows capable of being operated upon through manipulation of an interactive element in the menu.

One would be motivated to make such a combination due to the fact that the pull-down menu presents a list of windows to the user, as does the window control management system of Beaudet. Therefore, in order to save space on screen and allow for an easily accessible window menu, one would be motivated to combine the admitted prior art and Beaudet.

Regarding claim 4, the admitted prior art teaches a pull-down menu disposed in an active open document window, and inherently teaches an event handler configured to post pre-defined window manipulation events to inactive open document windows.

However, the admitted prior art fails to explicitly teach including a set of interactive user elements corresponding to listed open document windows, positioned adjacent to a corresponding open document window.

Beaudet teaches a window management system wherein a window list is presented to the user and through the manipulation of an interactive element allows for window management operations such as moving, sizing, restoring and closing of windows represented in the window list without changing the focus of the window. See Beaudet, col. 7, lines 17-49. As can be seen

in Figs. 1, 2, and 4, Beaudet also teaches positioning an interactive element adjacent to the listed name of an open document window.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of the admitted prior art and Beaudet before him at the time the invention was made to modify the pre-defined window manipulation through pull-down menus of the admitted prior art with the interactive window list control system of Beaudet, in order to obtain a pull-down menu listing windows capable of being operated upon through manipulation of an interactive element in the menu.

One would be motivated to make such a combination due to the fact that the pull-down menu presents a list of windows to the user, as does the window control management system of Beaudet. Therefore, in order to save space on screen and allow for an easily accessible window menu, one would be motivated to combine the admitted prior art and Beaudet.

Regarding claim 5, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a button as the interactive element of Beaudet. Applicant has not disclosed that the use of an interactive button provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the right-click menus of Beaudet because the same functions would be ably performed.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Beaudet to obtain the invention as specified in claim 5.

Regarding claim 6, Beaudet has been shown *supra* to teach a close window event associated with an interactive element of the disclosed window management system (see col. 7, lines 45-49).

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art.

Regarding claim 10, in Applicant's Fig. 1 and on pages 2-3 of the disclosed specification, Applicant allows for a pull-down menu in an activated open document window with a listing of open document windows and corresponding interactive user interface elements (taught as the ability to select a window through the pull-down menu using point-and-click methods), and responsive to the activation of one of the interactive user interface elements, performing a pre-defined window manipulation operation upon an inactive open document window corresponding to the selected interactive user interface element (taught as the change of focus from the active window to the selected inactive window). Inherently, operations performed on windows are operating system services, and thus the admitted prior art teaches performing pre-defined operating system services manipulations.

Regarding claim 11, the admitted prior art teaches generating a window manipulation event in response to the activation of an interactive user interface element (the change of focus after the selection of a window from the pull-down menu). Inherently, the window manipulation event is processed in a message handling routine associated with the activated open document window, and identifies the inactive open document window corresponding to the interactive user interface element, and posts a window manipulation event to the identified inactive open document window, allowing for the focus control change from the active window to the selected

inactive window. Inherently, operations performed on windows are operating system services, and thus the admitted prior art teaches performing pre-defined operating system services manipulations.

### ***Response to Arguments***

Applicant's arguments filed 29 December 2004 have been fully considered but they are not persuasive.

Regarding applicant's argument that the admitted prior art (hereinafter Figure 1) fails to teach the limitations of claims 1 and 7, the examiner respectfully disagrees. Regarding the first limitation of claims 1 and 7, creating a pull-down menu having both a listing of open document windows and corresponding interactive user interface elements, the prior art clearly teaches a pull-down menu in an activated open document window. Furthermore, the pull-down menu allows a user to click upon the window name of a currently inactive window in order to switch window focus, thus constituting an interactive user interface element associated with an open document window in the pull-down menu. Thus, responsive to the selection and activation of the user interface element in the pull-down menu, a window manipulation operation is performed (the focus change) upon an inactive open document window corresponding to the activated interactive user interface element.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the posting of a message to an inactive open document window) are not recited in rejected claims 1 and 7. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to applicant's argument that Figure 1 and Beaudet fail to teach an "event handler which has been configured to post window messages to inactive open document windows which are associated with an activated one of the interactive user elements in the pull-down menu in the active open document window", the examiner maintains that the manipulation events (focus control) of the inactive windows in Figure 1 must involve an event handler configured to post window manipulation events to inactive document windows, to enable the inactive windows to gain focus control.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Figure 1 and Beaudet are related to window lists and the manipulation of the listed windows. One would be motivated to make such a combination, in order to save space on screen and allow for an easily accessible window menu, as stated in the Office Action.

In response to applicant's argument that the floating context windows of Microsoft Internet Explorer lack a close window operation, the examiner notes that the Office Action does not rely upon Internet Explorer for the close window operation, instead citing Beaudet, col. 7, lines 17-49. Furthermore, the inclusion of the Internet Explorer reference is intended to show that although Figure 1 and Beaudet do not explicitly teach print or save file operations, various other well-known context menus do teach such operations, and would have been obvious to include in the window control systems of Figure 1 and Beaudet.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/092,840  
Art Unit: 2173

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Michael Roswell  
4/27/2005



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PRIMARY EXAMINER  
ART UNIT 2173